

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. )  
W.A. DREW EDMONDSON, in his )  
Capacity as ATTORNEY GENERAL OF )  
THE STATE OF OKLAHOMA and )  
OKLAHOMA SECRETARY OF THE )  
ENVIRONMENT C MILES TOLBERT, )  
in his capacity as the TRUSTEE FOR )  
NATURAL RESOURCES FOR THE )  
STATE OF OKLAHOMA, )

Plaintiffs )

v. )

Case No. 4:05-cv-00329-TCK-SAJ

TYSON FOODS, INC., )  
TYSON POULTRY, INC., )  
TYSON CHICKEN, INC., )  
COBB-VANTRESS, INC., )  
AVIAGEN, INC., )  
CAL-MAINE FOODS, INC., )  
CAL-MAINE FARMS, INC., )  
CARGILL, INC., )  
CARGILL TURKEY PRODUCTION, LLC, )  
GEORGE'S, INC., )  
GEORGE'S FARMS, INC., )  
PETERSON FARMS, INC., )  
SIMMONS FOODS, INC., )  
WILLOW BROOK FOODS, INC., )

Defendants )

**SIMMONS FOODS, INC.'S RESPONSES TO JULY 10, 2006 REQUESTS FOR  
PRODUCTION OF DOCUMENTS PROPOUNDED BY PLAINTIFFS**

Comes now the Defendant, Simmons Foods, Inc. ("Simmons"), and for its Responses to  
the July 10, 2006 Requests for Production of Documents Propounded by Plaintiffs, states:

RECEIVED

SEP 14 2006

RIGGS, ABNEY,  
NEAL, TURPEN,  
ORRISON & LEWIS, INC.

**GENERAL OBJECTIONS**

EXHIBIT

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1. Simmons objects to Plaintiffs' Instructions and Definitions to the extent they seek to include "agents" and "Contract Growers" in the definition of Simmons and the definition of "you" and "yours". Simmons further objects to and does not agree that it has any obligation or the ability to produce documents from any person or entity other than Simmons.
2. Simmons objects to Plaintiffs' Instructions and Definitions to the extent they exceed the scope of and duties under the Federal Rules of Civil Procedure.

**Request for Production No. 1:** Please produce all documents and materials reflecting, referring to or relating to any contracts between you and poultry growers located in the Illinois River Watershed ("IRW") since 1970, including the contracts themselves, any amendments or changes to the contracts considered, proposed or adopted thereto, and any drafts of the contracts, amendments or changes.

**Answer:** Simmons objects to this request for production on the grounds that it is overly broad and unduly burdensome in that most of its operations are in some manner "related" to contracts with poultry growers and therefore this request could encompass virtually all of the documents in Simmons' possession. However, subject to the foregoing objections, Simmons will produce copies of the contract with poultry growers, along with any amendments or addendums thereto, for growers located in the IRW, many of which have already been provided to Plaintiffs. Simmons agrees to produce the remaining responsive documents for inspection and copying at the office of its attorneys at a time and date mutually agreeable.

your poultry growing operations (including poultry growing operations under contract with you) in the IRW each year (since 1952).

**Answer:** To the extent they exist, documents will be produced for inspection and copying at a mutually agreeable time and date at the office of Simmons' counsel.

**Request for Production No. 117:** Please produce all documents and materials reflecting, referring to or relating to the present environmental quality, character or condition of the lakes, rivers, streams and creeks located in the Oklahoma portion of the IRW.

**Answer:** Simmons objects to this request on the grounds that it is overly broad, vague, and unduly burdensome. Simmons further objects to this request to the extent it seeks documents created or maintained by consultants retained for the purpose of this litigation and as such is protected from disclosure by the work-product doctrine. Further, to the extent Simmons may have access to any such documents they would be documents freely available in the public realm and just as easily obtainable by Plaintiffs as by Simmons.

**Request for Production No. 118:** Please produce all documents and materials reflecting, referring to or relating to the historical environmental quality, character or condition of the lakes, rivers, streams and creeks located in the Oklahoma portion of the IRW.

**Answer:** See Answer to Request for Production No. 117.

**Request for Production No. 119:** Please produce all documents and materials reflecting, referring to or relating to any advertising or public relations campaigns paid for you, directly or indirectly, in whole or in part, that address the environmental impact of poultry growing or poultry production.

**Answer:** Simmons objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks documents which are in no manner relevant to the issues of this lawsuit. Simmons further objects on the grounds that it is not limited to the IRW.

**Request for Production No. 120:** Please produce all documents and materials reflecting, referring to or relating to any testing or analyses performed by or on behalf of you on soils or lands located within the IRW.

**Answer:** Simmons objects to this request on the grounds that it seeks documents that, if they exist, are protected by the work-product doctrine as being created by consultants retained specifically with regard to this litigation. See Answer to Request no. 117.

**Request for Production No. 121:** Please produce all documents and materials reflecting, referring to or relating to any testing or analyses performed by or on behalf of you on surface waters located within the IRW.

**Answer:** See answer to Request for Production No. 117.

**Request for Production No. 122:** Please produce all documents and materials reflecting, referring to or relating to any testing or analyses performed by or on behalf of you on ground waters located within the IRW.

**Answer:** See answer to Request for Production No. 117.

**Request for Production No. 123:** Please produce all documents and materials reflecting, referring to or relating to any testing or analyses performed by or on behalf of you on edge-of-field run-off from lands located within the IRW.

**Answer:** See answer to Request for Production No. 117.

**Request for Production No. 124:** Please produce all documents and materials reflecting, referring to or relating to any citations, tickets, fines, penalties or warnings issued to

you or poultry growers under contract with you that pertain to actual or alleged run-off or discharge of poultry waste / poultry litter / poultry manure.

**Answer:** Simmons objects to this request because it is not limited to activity within the IRW. Subject to that objection, Simmons is not aware of any responsive documents for growers located in the IRW.

**Request for Production No. 125:** Please produce all documents and materials reflecting, referring to or relating to the destruction of any documents and materials that would have been responsive to any of the above requests for production but due to their destruction are no longer in existence.

**Answer:** Simmons has already produced a copy of its document retention policy.

SIMMONS FOODS, INC.,

By: 

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